

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

CORY BRYAN NELSON,)	
)	
Plaintiff,)	
)	
-vs-)	Case No. CIV-24-1063-F
)	
GARFIELD COUNTY DETENTION)	
CENTER, et al.,)	
)	
Defendants.)	

ORDER

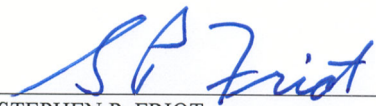
On December 10, 2024, the court entered an order (doc. no. 9) holding in abeyance a ruling on the Report and Recommendation (doc. no. 7) of United States Magistrate Judge Amanda Maxfield Green, recommending the court dismiss this action without prejudice to re-filing due to plaintiff Cory Bryan Nelson's failure to pay the initial filing fee of \$16.38. The court granted plaintiff until January 6, 2025 to pay the initial filing fee. The court advised plaintiff that failure to pay the initial filing fee would result in the dismissal of this action without prejudice to re-filing. The court also advised that no additional time to pay the initial filing fee was contemplated by the court.

To date, the court clerk has not received the initial filing fee. Because plaintiff has not paid the filing fee within the time specified by Magistrate Judge Green or the court, the court concludes that Magistrate Judge Green's Report and Recommendation should be accepted, adopted, and affirmed, and plaintiff's 42 U.S.C. § 1983 action should be dismissed without prejudice to re-filing.

Accordingly, the Report and Recommendation (doc. no. 7) issued by United States Magistrate Judge Amanda Maxfield Green on is **ACCEPTED, ADOPTED, and AFFIRMED**. Plaintiff Cory Bryan Nelson's 42 U.S.C. § 1983 action is **DISMISSED WITHOUT PREJUDICE** to re-filing, pursuant to Rule 41(b), Fed. R. Civ. P., for failure to pay the initial partial filing fee of \$16.38 as ordered by the court.

In light of the court's ruling, plaintiff's request for appointment of an attorney (doc. no. 11) is **DENIED** as **MOOT**.

DATED this 13th day of January, 2025.


STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE